

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: PROTON-PUMP
INHIBITOR PRODUCTS
LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(LDW)
(MDL 2789)**

And all member and related cases

**This Document Relates to:
ALL ACTIONS**

Judge Claire C. Cecchi

CASE MANAGEMENT ORDER NO. 91
(Deadline to Amend Pleadings to Add Pfizer as a Defendant)

This MDL proceeding, In re: Proton-Pump Inhibitor Products Liability Litigation (No. II), was established by the Judicial Panel on Multidistrict Litigation more than five years ago in August 2017 to coordinate claims alleging personal injury and wrongful death resulting from use of one or more proton-pump inhibitors (PPIs). Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its pleadings with the court's leave, and it is well established that an MDL judge has inherent authority to manage the litigation. Considering the length of time this MDL has been pending, and the discovery completed thus far, this Court finds it appropriate at this time to establish a deadline after which Plaintiffs may not move to amend their pleadings in any filed cases to add in Pfizer Inc. ("Pfizer") as an additional defendant and hereby issues the following Case Management Order ("CMO").

This Order applies to all filed cases on the docket in this MDL 2789 as of the date of this Order. This includes direct filed cases and cases transferred by the MDL Panel to this MDL pursuant to 28 U.S.C. §1407.

Any Plaintiff wishing to amend his or her pleadings to add Pfizer as a defendant based on evidence that the Plaintiff or PPI User ingested Protonix must file a motion seeking leave of Court to amend within thirty (30) days of entry of this Order. Such motion must include proof that the PPI User ingested Protonix and must establish good cause why Plaintiff did not previously move to amend. To clarify, this Order shall not be construed to authorize any such amendments; to alter any applicable statutes of limitations, statutes of repose or tolling agreements; or to resuscitate an otherwise time-barred claim. If any such Plaintiff files a motion for leave to amend, the parties shall meet and confer on a schedule for Pfizer's oppositions to such motions, if any.

Additionally, this Order does not in any way alter, amend, or change a Plaintiff's obligation to comply with any Plaintiff Fact Sheet-related requirements as set forth in CMO No. 9, and as amended in CMO No. 27.

IT IS SO ORDERED

SIGNED 24th day of January 2023.



CLAIRES C. CECCHI
United States District Judge